

# SENATE BILL No. 111

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-27; P.L.272-1999, SECTION 67; P.L.242-2001, SECTION 3.

**Synopsis:** Commission on mental retardation and developmental disabilities. Changes the commission on mental retardation and developmental disabilities from a noncode to a statutory commission, making the following changes: (1) specifies that the term of a lay member is three years; (2) requires the governor to fill a lay member vacancy within ten days after the vacancy occurs; and (3) provides that under certain conditions the term of a lay member continues until a successor is appointed. Provides that the commission operates under the policies governing study committees adopted by the legislative council. Repeals noncode provisions concerning the commission. (The introduced version of this bill was prepared by the commission on mental retardation and developmental disabilities.)

**Effective:** July 1, 2002.

**Riegsecker**

December 7, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 111

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 2-5-27 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2002]:

4 **Chapter 27. Commission on Mental Retardation and**  
5 **Developmental Disabilities**

6 **Sec. 1. As used in this chapter, "commission" refers to the**  
7 **commission on mental retardation and developmental disabilities**  
8 **established under section 2 of this chapter.**

9 **Sec. 2. There is established the commission on mental**  
10 **retardation and developmental disabilities as a legislative study**  
11 **committee.**

12 **Sec. 3. (a) The commission consists of the following members:**

13 **(1) Two (2) members of the house of representatives**  
14 **appointed by the speaker of the house of representatives. The**  
15 **members appointed under this subdivision may not be**  
16 **members of the same political party.**

17 **(2) Two (2) members of the senate appointed by the president**

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pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(3) The following members appointed by the governor:

(A) Three (3) members at large. Not more than two (2) members appointed under this clause may be members of the same political party.

(B) One (1) member who is a consumer of mental retardation or developmental disability services.

(C) One (1) member who is a representative of advocacy groups for consumers of mental retardation and developmental disability services.

(D) Two (2) members who are representatives of families of consumers of mental retardation and developmental disability services.

(E) One (1) member who is a representative of an organization providing services to individuals with mental retardation and developmental disabilities.

(b) The term of a commission member appointed under subsection (a)(3) is three (3) years.

(c) The governor shall fill a vacancy of a member under subsection (a)(3) within ten (10) days after the vacancy occurs.

(d) If:

(1) the term of a member appointed under subsection (a)(3) expires;

(2) the member is not reappointed; and

(3) a successor is not appointed;

the term of the member continues until a successor is appointed.

Sec. 4. The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet need for mental retardation and developmental disability services, including the following:

(A) Community residential and family support services.

(B) Services for aging families caring for adult mentally retarded and developmentally disabled children.

(C) Services for families in emergency or crisis situations.

(D) Services needed to move children and adults from nursing homes and state hospitals to the community.

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(3) Study and make recommendations for the state to contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

(6) Review and make recommendations regarding the implementation of the comprehensive plan prepared by the developmental disabilities task force established by P.L.245-1997, SECTION 1.

(7) Review and make recommendations regarding the development by the division of disability, aging, and rehabilitative services of a statewide plan to address quality assurance in community based services.

(8) Annually review the infants and toddlers with disabilities program established under IC 12-17-15.

Sec. 5. The commission shall operate under the policies governing study committees adopted by the legislative council.

Sec. 6. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

Sec. 7. This chapter expires January 1, 2005.

SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: P.L.272-1999, SECTION 67; P.L.242-2001, SECTION 3.

SECTION 3. [EFFECTIVE JULY 1, 2002] Notwithstanding IC 2-5-27-3, as added by this act, an individual who was appointed as a lay member of the Indiana commission on mental retardation and developmental disabilities in 2001 remains a member of the commission until:

(1) the member resigns; or

(2) January 1, 2004;

whichever is earlier.

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